

REMARKS

Claims 1-20 remain in the application.

Regarding the §112, first paragraph rejection, applicant points out that "a single storage device" is intended to convey that there is one and only one storage device storing all of the recited information.

Regarding the §112, second paragraph rejection, applicant traverses the rejection. The position raised in the action appears to be a §102 matter, asserting that the prior art discloses the claimed element. This suggests that the claim is clear. Moreover, the rejection misconstrues the claim, in that the claim recites not that each cookie is stored on a single device, but that the browsing information associated with each cookie is stored on a single device. This feature is believed clear, and the rejection is traversed.

§102(e) Rejections

Claims 1-12 and 14-20 were rejected under 35 USC §102(e) as anticipated by Hoyt '646.

Applicant traverses the rejections because the cited reference does not disclose all the claimed features of the rejected claims.

The rejections are inadequate because they fail to meet the requirements of MPEP §707.05, which states:

"During the examination of an application or reexamination of a patent, the examiner should cite appropriate prior art which is nearest to the subject matter defined in the claims. When such prior art is cited, its pertinence should be explained."

The action's rejections consist merely of a quotation of elements from applicant's claims, with only an element identified (e.g. "[Fig. 1 150]") or a paragraph in the specification ("[paragraph 0065]"). It is understood that the action intends to convey that within the element or paragraph is something considered to disclose the claimed element. However, such a naked recitation does not constitute the explanation required by the MPEP for a proper rejection. Moreover the paragraph cited to reject 13 of the 20 claims is about 70 lines long (671 words), and discloses a wide variety of features and concepts. The action does not indicate which lines or portion of the paragraph it considers to disclose any of the 13 claimed elements and features. Consequently, the rejection is believed to be inadequate. The arguments below are made inasmuch as the rejections can be best understood.

The rejection of claim 1 states that the cited reference discloses a plurality of storage devices, apparently indicating web sites 150 illustrated in Figure 1. First, a web site is not a storage device (the software that comprises a web site may of course be stored on a storage device.) No explanation is offered of how a web site is a storage device. For these reasons, claim 1 should be allowable.

Second, the rejection of claim 1 fails to assert that the elements asserted as the storage devices have the claimed characteristic of each containing web browsing activity information associated with the cookies of a selected subset of the users. There is no assertion that the elements 150 cited as being storage devices contain the claimed the claimed information. For this additional independent reason, claim 1 should be allowable over the cited reference.

Third, even if the action were internally consistent, and the elements [150] cited as storage devices were the same as the elements [users 105] cited as containing the claimed information, none of the elements of the cited reference store "web browsing activity information associated with the cookies of a selected subset of the users." Users are not storage devices. Accordingly, claim 1 should be allowable for this additional independent reason.

Fourth, even if the action referred to user computers [110] as storage devices containing the claimed information, the action fails to explain what aspect of the cited element constitutes "web browsing information." Accordingly, claim 1 should be allowable for this additional independent reason.

Fifth, even it were asserted in the action, the user computers are not indicated as storing anything more than a single cookie each. The action fails to point out where these or any element of the cited reference discloses storing "web browsing activity information associated with the cookies of a selected subset of the users." The claim refers to subsets having information associated with multiple cookies (as indicated by the plural "cookies." There is no reason to believe that a single user's computer would contain information associated with the cookies of other users. Accordingly, claim 1 should be allowable for this additional independent reason.

Sixth, the action fails to indicate or explain where the cited paragraph 65 (consisting of 671 words) discloses the feature of storing all the browsing information for each cookie on a single storage device. Accordingly, claim 1 should be allowable for this additional independent reason.

Claims 2-10 depend from claim 1 and should be allowable for the above reasons and because of the features set forth therein. This includes the inadequacy of the action under MPEP §707.05, and that the rejections fail to point out where or how the cited elements disclose the claimed features.

Claim 2 should be allowable for the additional reason that the rejection fails to point out how in the cited reference, the cited element ("Internet") operates to transmit the claimed information to a selected storage device. The Internet is not a "repository" of data, but is simply a transmission means.

Claim 5 should be allowable for the additional reason that the "Central Server 190" of the cited reference is not indicated as being operable to retrieve data from users asserted as storage devices. Even if the users were construed as user computers, there appears to be no means by which the Central Server can retrieve data from users. Apparently, the only time the Central Server receives information from a user is by the initiation of action by the user. But merely receiving information sent by another is not "retrieval", which is an act engaged in by the recipient of information.

Claim 7 should be allowable for the additional reason that the action fails to point out any element or step that produces an output including a subset as claimed.

Claim 9 should be allowable for the additional reason that the action fails to point out any element or step that discloses web browsing information indexed by cookie.

Claims 11 and 20 were rejected based on assertions relating to the language of claim 1. The action fails to indicate where the cited reference discloses any of the claimed method steps. Accordingly, these claims and their dependents should be allowable, including for the reasons indicated above with respect to claim 1. The dependents of claim 11 should be allowable for the reasons noted above with respect to the dependents of claim 1, based on the parallel rejections employed in the action.

§103(a) Rejections

Claim 13 was rejected under 35 USC §103(a) as unpatentable over Hoyt in view of Dodson.

The rejection is traversed first because the action fails the MPEP requirement to adequately disclose and explain where Dodson discloses the claimed steps. The action cites three different paragraphs, without explaining which applies to any of the different element of the claim.

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Second, the rejection is traversed because the cited reference appears to lack the claimed elements. There is no indication that Dodson includes the steps of establishing a range of cookie values, or the other aspects of the claims. The indicated paragraph 12 seemingly has no relation to the claim other than containing the searchable terms "range", "cookie" and "value". However, the paragraph does not refer to "cookie values", nor to a range of cookie values. Cited paragraphs 14 and 132 contain the terms "range" and "cookie" but do not otherwise pertain to the claimed concepts. The indicated paragraphs appear to have been selected for the sole reason that they are the only ones containing the word "range", and not because they pertain to the claimed subject matter.

All pending claims should be allowable for the above reasons. Reconsideration of the application is respectfully requested.

Respectfully submitted,
LANGLOTZ PATENT WORKS



Bennet K. Langlotz
Attorney for Applicant
Registration No. 35,928

LANGLOTZ PATENT WORKS
PO Box 759
Genoa, NV 89411
Telephone 775 884 1185
Facsimile 775 884 1187
Email patent@langlotz.com